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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,896	03/08/2004	Joseph F. Walsh	35006.019C2	1646

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EXAMINER	
LE, THIEN MINH	

ART UNIT	PAPER NUMBER
2876	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/796,896	WALSH, JOSEPH F.	
	Examiner	Art Unit	
	Thien M. Le	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-46 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-46 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 08 March 2004 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claims 1-46 are presented for examination.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-46 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of U.S. Patent No. 6,745,937 (herein after referred to as "the 937 patent"). Although the conflicting claims are not identical, they are not patentably distinct from each other because they essentially reciting the same limitations.

Claims 1 and 24 are rejected in view of claim 1 of the '937 patent in that it recites:

> 1. A hand-held device for inputting request data, constructing a request, transmitting the request to a server computer through a telecommunications link, receiving a response to the request from the server computer, and outputting the response, the hand-held device coupled to a telecommunications link through which the request is transmitted and the response is received, the hand-held device comprising:
>
> a number of input components for inputting request data from a number of different input media, including audio tones and mechanical manipulation of an input component and at least one of additional input media

including electronic, magnetic, and printed request data; a processing component that constructs a request from the request data;

a transceiver component that sends the request to the server computer and receives the response from the server computer;

and a number of output components that output a portion of the response received from the server computer in a particular response output medium.

Though the claim language is not the identical, it certainly recites the same limitations. Thus, the patent protections have been granted to the earlier filed application.

Claims 2-3 are rejected in view of claims 2-7 of the '937 in that they further recite:

2. The hand-held device of claim 1 including a microphone input component that inputs audio data, including voice data.

3. The hand-held device of claim 1 including a scanner input component that inputs printed images and characters.

4. The method of claim 1 wherein the hand-held device includes a keypad input component for inputting an input request represented by mechanical manipulation of the keypad.

5. The hand-held device of claim 1 including a magnetic card reader input component that inputs magnetically encoded data.

6. The hand-held device of claim 1 including an electronic smart card reader input component that inputs electronically encoded data.

7. The hand-held device of claim 1 including a printed bar code reader input component that inputs data represented by printed bar codes.

And which representing the method of input through a printed medium (bar codes), audio tones (voices), mechanical medium (keypad), magnetic medium (magnetic storage), etc.

Claim 4 is rejected in views of claims 25-33 of the '937 patent in that they further recite:

25. The hand-held device of claim 1 wherein the telecommunications link is a telephone line.

26. The hand-held device of claim 1 wherein the telecommunications link is an RS232 connection to a computer that is linked to the server computer.

27. The hand-held device of claim 26 wherein the hand-held device is also coupled to a telephone line and uses internal level shifting method, such as optical coupling, to enable drawing current from both the RS232 connection and the telephone line.

28. The hand-held device of claim 1 wherein the telecommunications link is a universal serial bus connection to a computer that is linked to the server computer.

29. The hand-held device of claim 28 wherein the hand-held device is also coupled to a telephone line and uses internal level shifting method, such as optical coupling, to enable drawing current from both the RS232 connection and the telephone line.

30. The hand-held device of claim 1 wherein the telecommunications link is a wireless telephone.

31. The hand-held device of claim 1 wherein the telecommunications link is a cellular telephone.

32. The hand-held device of claim 1 wherein the telecommunications link is a personal communications system telephone.

33. The hand-held device of claim 1 wherein the telecommunications link is a PBX telephone line.

Claim 5 is rejected in view of claim 7 of the '937 patent in that it recites:

21. The hand-held device of claim 1 further including a protected memory that stores input information that must be protected from access by external devices and that is transmitted in an encrypted form from the hand-held device to the telecommunications link.

Similarly, regarding claims 6-23 and 25-46, see discussions above and the remaining claims of the '937 patent in that the claimed limitations are merely the various combinations of the limitations that were previously claimed in the earlier filed and patented application.

8. The hand-held device of claim 1 including an output component that outputs alphanumeric symbols.

9. The hand-held device of claim 1 including an output component that outputs alphanumeric symbols.

10. The hand-held device of claim 1 including an output component that outputs alphanumeric symbols and graphical images.

11. The hand-held device of claim 1 including an audio speaker output component.

12. The hand-held device of claim 1 including a printer output component.

13. The hand-held device of claim 1 wherein the processing component is a microprocessor and wherein the microprocessor runs a number of software routines that construct requests from input request data and that manage the activation and deactivation of components within the hand-held device in order to conserve electrical power consumption by the hand-held device.

14. The hand-held device of claim 13 wherein, under control of the software routines executed by the microprocessor, an input component is activated when input data is available for that input component and the input component is deactivated once data input is completed.

15. The hand-held device of claim 13 wherein, under control of the software routines executed by the microprocessor, a transmission component of the transceiver is activated to send the request, upon completion of sending the request, the transmission component is deactivated and a reception component of the transceiver is activated, and upon completion of receiving the response, the reception component is deactivated.

16. The hand-held device of claim 13 wherein, under control of the software routines executed by the microprocessor, an output component is activated when output for that output component is included in the response and is deactivated following completion of output of the response.

17. The hand-held device of claim 13 wherein the hand-held device includes a bar code reader and wherein a proximity detector within the bar code reader is used to ensure that a reflective surface that might contain a bar code is sufficiently close to the bar code reader before activating the bar code reader for reading a bar code.

18. The hand-held device of claim 17 wherein the microprocessor in the hand-held device is powered down while the proximity detector of the bar code reader is detecting the proximity of a reflective surface and wherein, and, once a bar code has been read, a bar code microprocessor within the bar code reader signals the microprocessor in the hand-held device to power up the microprocessor in the hand-held device in order to process the bar code.

19. The hand-held device of claim 17 wherein the bar code reader includes a bank of illumination elements that together illuminate a bar code to be read, and wherein the proximity detector comprises a subset of the illumination elements that provide sufficient illumination to detect a reflective surface.

20. The hand-held device of claim 17 wherein input components that receive amplified signals receive amplified signals from dual power mode amplifiers such that, when no signals are being input to the input components, the dual power mode amplifiers are in a low-power state in order to conserve consumption of electrical power by the hand-held device.

21. The hand-held device of claim 1 further including a protected memory that stores input information that must be protected from access by external devices and that is transmitted in an encrypted form from the hand-held device to the telecommunications link.

22. The hand-held device of claim 1 further including a tone generator output component that sends multiple frequency tones that do not occur in voice-generated analog signals that serve as out-of-band signals to a receiving transceiver connected to the remote server computer.

23. The hand-held device of claim 22 wherein a multiple frequency tone is sent by the tone generator to interrupt analog communications being received from the remote server computer.

24. The hand-held device of claim 23 wherein multiple frequency tones are sent by the tone generator to initialize data exchange between the hand-held device and the remote server computer, including to set the baud rate, protocol, and other communications parameters prior to sending a request.

25. The hand-held device of claim 1 wherein the telecommunications link is a telephone line.

26. The hand-held device of claim 1 wherein the telecommunications link is an RS232 connection to a computer that is linked to the server computer.

27. The hand-held device of claim 26 wherein the hand-held device is also coupled to a telephone line and uses internal level shifting method, such as optical coupling, to enable drawing current from both the RS232 connection and the telephone line.

28. The hand-held device of claim 1 wherein the telecommunications link is a universal serial bus connection to a computer that is linked to the server computer.

29. The hand-held device of claim 28 wherein the hand-held device is also coupled to a telephone line and uses internal level shifting method, such as optical coupling, to enable drawing current from both the RS232 connection and the telephone line.

30. The hand-held device of claim 1 wherein the telecommunications link is a wireless telephone.

31. The hand-held device of claim 1 wherein the telecommunications link is a cellular telephone.

32. The hand-held device of claim 1 wherein the telecommunications link is a personal communications system telephone.

33. The hand-held device of claim 1 wherein the telecommunications link is a PBX telephone line.

34. The hand-held device of claim 1 wherein the transceiver component is included in a first unit and the input, output, and processing components are included in a second unit, wherein the first unit and second unit are coupled by communications via optical signals or radio frequency signals.

35. The hand-held device of claim 1 wherein the input component comprises a laser bar code reader.

36. The hand-held device of claim 1 wherein the input component comprises a LED bar code reader.

37. The hand-held device of claim 1 wherein the input component comprises a CCD bar code reader.

38. The hand-held device of claim 1 further including one or more energy storing devices selected from capacitors and batteries that obtain electrical power from the telecommunications link when the hand-held device is connected to the telecommunications link and that provide electrical power to the hand-held device when the hand-held device is not connected to the telecommunications link.

39. The hand-held device of claim 1 includes a telephone for person-to-person or person-to-computer server voice communications via telecommunication link.

40. The hand-held device of claim 1 wherein the input component comprises or output component comprises a serial interface such as RS232.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (571) 272-2396. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Le, Thien Minh
Primary Examiner
Art Unit 2876
October 13, 2005